

ENTERED

October 31, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RICARDO CHAVEZ CRUZ,

Plaintiff,

VS.

ENTEGRIS, INC., CMC MATERIALS, LLC,
and FLOWCHEM LLC*Defendants.*§
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CIVIL ACTION NO. 4:23-cv-4538

ORDER

Pending before this Court is Entegris, Inc. and CMC Materials, LLC's (collectively, "Defendants") Motion to Dismiss Plaintiff's Amended Complaint. (Doc. No. 24). Ricardo Chavez Cruz ("Plaintiff") responded in opposition, (Doc. No. 29), and Defendants filed a reply, (Doc. No. 30).

Having considered the motion and the relevant pleadings, the Court **DENIES** Defendants' motion. (Doc. No. 24). As Federal Rules of Civil Procedure 12(d) contemplates, some issues are better addressed under Rule 56. The Court finds that the issues presented in Defendants' motion are precisely those types of issues. Parties remain free to re-raise these arguments in a Rule 56 motion.

It is so ordered.

Signed on this the 31st day of October 2024.


Andrew S. Hanen
United States District Judge